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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 26th August, 1994:—

BILL No. 20 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short titles.

1. This Act may be called the Constitution (Amendment) Act, 1994.

Amendment of article 371.

2. In article 371 of the Constitution, in clause (2), for the word "Governor" the words "Chief Minister" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Article 371 of the Constitution provides that the President may by order provide for special responsibility of the Governor for the establishment of separate development boards for the backward areas of Vidarbha, Marathwada and the rest of Maharashtra, Saurashtra, Kutch and rest of Gujarat. In a major decision concerning the State of Maharashtra, the Union Government has cleared the long delayed proposal for setting up of development boards in the State The decision would enable the setting up of statutory development boards for Vidarbha, Marathwada and rest of Maharashtra.

Though, the setting up of the boards is aimed at removing the backlog of development in these backward regions, yet the State Governments may find it difficult to implement the salutary provisions as the constitution provides that the development boards will function under the direct control of the Governor of the State. Since the Chief Minister of a State heads the executive of the State and the first and the foremost duty of the Govt. of a State is to ensure alround development of the State, it will be appropriate and in accordance with the democratic norms of governance if the Chief Minister of a State is entrusted with the special responsibility for the establishment and working of separate development boards for the backward regions of the States of Maharashtra and Gujarat.

The Bill seeks to achieve the above objective.

NEW DELHI;
February 24, 1994.

DHARMANNA MONDAYYA SADUL

BILL NO. 43 OF 1993

A Bill further to amend the Indian Penal Code.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Penal Code (Amendment) Act, 1994.

(*2*) It shall come into force at once.

Insertion of new Chapter XXIV.

2. After Chapter XXIII of the Indian Penal Code, the following Chapter and section shall be added, namely —

45 of 1860.

"CHAPTER XXIV
OF PUNISHMENT TO HABITUAL OFFENDERS

Punishment to habitual offenders.

512. Notwithstanding anything contained in this Code, whoever, having been punished on four occasions for committing any offence punishable under this Code, commits any offence punishable under this Code for the fifth time, and, if found guilty of committing that offence, shall be punished with life imprisonment, except when the punishment prescribed for the fifth offence is already death.".

STATEMENT OF OBJECTS AND REASONS

There has been a spurt in criminal activities all around us. There have been instances where committing criminal offences has become a profession. Murders and other petty crimes like kidnapping for ransom, pickpocketing, theft, rash and negligent acts, etc. are committed by those who have taken to it as a profession. In the metropolitan cities, repeated gangwars amongst the criminals have become the order of the day. The life of an ordinary citizen has been affected by this rise in criminal attitude of a few.

Therefore, there is an urgent need to prescribe severe punishment to those who are habitual offenders.

The State of California in the United States of America passed a law on the same lines prescribing life imprisonment for those criminals who commit criminal offences on three occasions. However, in the conditions as are prevailing in our country, it seems quite fair that any person who commits five criminal offences should be awarded life imprisonment.

The Bill is an attempt to turn the carcer criminals into career inmates.

NEW DELHI;
March 24, 1994.

KASHIRAM RANA.

BILL NO. 44 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1994. Short title

2. In article 51A of the Constitution after clause (*j*), the following clause and Explanation thereto shall be added, namely:— Amendment of article 51A.

"(k) to adopt small family norm.

Explanation.—For the purpose of clause (*k*), 'small family' means and includes husband, wife and two children.".

STATEMENT OF OBJECTS AND REASONS

There has been unprecedented rise in the population of the country. Today's basic problem is rapidly increasing population. Measures for family planning which have been undertaken by the Government so far have not proved effective. Inspite of our alround progress, the country is going backward. The alarming rate of increase in population will have serious repercussions on national socio-economic scene and it will be difficult to provide basic necessities to the rapidly increasing population. Therefore, there is an immediate need to control the increase in population.

It is, therefore, proposed to amend the Constitution with a view to making it the fundamental duty of every citizen to adopt small family norm.

NEW DELHI;
April 6, 1994

KASHIRAM RANA

BILL NO. 59 OF 1994

A Bill to provide for reservation of posts in services under the Government of India for the Scheduled Castes and the Scheduled Tribes who have converted to Christianity.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Reservation of Vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes converted to Christianity) Act, 1994.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Government service" means any service in connection with the affairs of the Union and includes service in public sector undertakings and statutory authorities under its control;

(*b*) "Scheduled Castes" means the Scheduled Castes specified in any notification issued under clause (*1*) of article 341 of the Constitution of India, as amended from time to time; and

(*c*) "Scheduled Tribes" means the Scheduled Tribes specified in any notification issued under clause (*1*) of article 342 of the Constitution of India, as amended from time to time.

Reservation of appointments or posts for Scheduled Castes and Scheduled Tribes converted to Christianity.

3. (*1*) There shall be reserved appointments or posts in Government service for the Scheduled Castes and the Scheduled Tribes converted to Christianity.

(*2*) The number of appointments or posts reserved for the Scheduled Castes and the Scheduled Tribes converted to Christianity in any Government service shall bear, as nearly as may be, the same proportion to the total number of appointments or posts in that Government service as the respective population of the Scheduled Castes and the Scheduled Tribes converted to Christianity bears to the total population of the country.

Re-adjustment of posts for Scheduled Castes and Scheduled Tribes converted to Christianity after every census.

4. Upon the completion of each census, the number of appointments or posts reserved under section 3 for the Scheduled Castes and the Scheduled Tribes shall be re-adjusted according to the proportion their respective population bears to the total population of the country, as recorded in that census.

Application of provisions relating to service matters.

5. Notwithstanding anything contained in any other law, rule, regulation or order for the time being in force, all the provisions applicable to the Scheduled Castes and the Scheduled Tribes, in regard to their service matters, shall be applicable to the Scheduled Castes and the Scheduled Tribes converted to Christianity.

Power to make rules

6. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Many people belonging to the Scheduled Castes and the Scheduled Tribes changed their religion as they were facing humiliation in the caste system. Most of them accepted Buddhism or Christianity with the hope that their social, educational and economic status will improve and they would be able to lead an honourable life in the society. However, their status in the society has not improved and they are still backward.

Despite conversions, they are still suffering and have been deprived of the facilities which are at present being available to the persons belonging to the Scheduled Castes and the Scheduled Tribes. The resentment among the youth belonging to Scheduled Castes and Scheduled Tribes who have converted to Christianity is increasing. Many organisations have taken up their cause. With a view to giving them a respectful place in the society and for their social and educational advancement, it is necessary that the Scheduled Castes and the Scheduled Tribes who have converted to Christianity be given reservation in Government services according to the proportion their respective population bears to the total population of the country.

Hence this Bill.

NEW DELHI;
April 7, 1994.

MOHAN SINGH

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and, as such, the delegation of legislative power is of a normal character.

BILL NO. 53 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1994. Short title.

2. In the Eighth Schedule to the Constitution, entry 18 shall be renumbered as entry 19 and before entry 19 as so re-numbered, the entry "18. Tulu." shall be inserted. Amendment of Eighth Schedule.

STATEMENT OF OBJECTS AND REASONS

Tulu is one of the "panchadravida" languages, alongwith Kannada, Tamil, Malayalam and Telugu. It is spoken by about 3.5 million people living in the west coast of India, in the region between the Western Ghats and the Arabian Sea, from Karwar to Kasargode.

Tulu is a highly developed language and is rich in literature. The Tulu theatre, both folk and modern, has carved a special niche for itself, while Tulu films have also been very popular. The exclusive Tulu script of an earlier age has been replaced by the Kannada script ever since Tulunadu came under the domination of the Kannada kings.

For some time now, the Tuluvas have been seeking recognition of their language by its inclusion in the Eighth Schedule to the Constitution. This Bill seeks to meet their aspirations.

NEW DELHI;
April 22, 1994.

GEORGE FERNANDES

BILL No. 62 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1994.

Amendment of article 41.

2. In article 41 of the Constitution, for the words "to education", the words "to education, to housing" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

Like food and clothing, housing is also a vital necessity for all human beings. There has been an acute shortage of housing among the teeming millions of the country, particularly the urban poor and the agricultural workers in rural areas. After independence, several housing schemes were launched, both by the Central and State Governments. All these schemes, however, have touched only the fringe of the problem and hundreds of thousands of people are still living without any shelter. According to an estimate of the National Buildings Organisation, housing shortage in 1990 was of the order of 30.3 millions and it is expected to go up to 35.9 millions by 1996.

Article 41 of the Constitution provides for securing the right to work, to education and to public assistance in certain cases. Right to housing is sought to be included as one of Directive Principles of State Policy in order to give a boost to house building activities so that housing shortages are eliminated in the country at the earliest and the economically weaker sections of the society are provided with adequate shelter.

The Bill seeks to achieve the above objective.

NEW DELHI;
June 14, 1994.

M. KRISHNASWAMY

BILL NO. 63 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title

1. This Act may be called the Constitution (Amendment) Act, 1994.

Insertion of new article 16A.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Reservation of posts for women.

"16A. Notwithstanding anything in this Constitution, thirty per cent. of appointments or posts in services under the State shall be reserved for women.".

STATEMENT OF OBJECTS AND REASONS

Despite great efforts made to ameliorate the sufferings of women, they continue to remain socially and economically weak. They, therefore, deserve special considerations and facilities for improving the quality of their life. The percentage of women in employment is very low. There is job reservation for Scheduled Castes and Scheduled Tribes, and Backward Classes in order to cover the leeway. But no such reservation exists for women, who constitute a large segment of socially and educationally backward population. They are denied social justice.

In order that women may enjoy the fruits of social justice, the job reservation facilities should be extended to women as in the case of other weaker sections of the society.

Hence this Bill.

NEW DELHI;
June 15, 1994.

CHITTA BASU

BILL NO. 64 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act 1994. Short title.

2. In article 73 of the Constitution, in clause (1), the following proviso shall be added at the end, namely:— Amendment of article 73.

"Provided further that the executive power referred to in sub-clause (b) in relation to any treaty or agreement shall not be exercisable by the Union unless it is ratified by both Houses of Parliament.".

STATEMENT OF OBJECTS AND REASONS

The Government enters into treaties or agreements with other country or countries from time to time. The nation is committed to the obligations arising out of such treaties without seeking approval from Parliament. They are implemented merely by issuing executive orders or by notification, etc. The sovereign Parliament is not involved in decision making process in regard to advantages/disadvantages of the treaties entered into by the Government. The Parliament is presented with a *fait accompli*. This curbs the sovereign rights of the Parliament.

In major democratic countries, the treaties entered into by those countries are ratified by the concerned legislature before they are implemented. But there is no such provision in our Constitution. At present, the Constitution empowers the Parliament to make any law for giving effect to any treaty entered into by the Government without its ratification by the Parliament.

To protect, preserve and uphold the sovereignty of the Parliament, it is imperative that every international treaty be ratified by the Parliament.

The Bill seeks to amend the Constitution to achieve the above objective.

NEW DELHI;
June 15, 1994.

CHITTA BASU

BILL No. 61 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1994. Short title.

2. In article 356 of the Constitution, in clause (*1*), for the words "If the President, on receipt of a report from the Governor of a State or otherwise," the words "If the Government of a State is not carried on in accordance with the secular principles as enshrined in the Constitution or if the President, on receipt of a report from the Governor of a State or otherwise," shall be substituted. Amendment of article 356.

STATEMENT OF OBJECTS AND REASONS

Secularism is one of the basic features of the Constitution as enshrined in the Constitution. In the recent past, it has been observed that certain organisations openly violate this basic feature of the Constitution to attain political power.

In India's socio-economic, politico-cultural context, secularism is the foundation of the ediffice of its nationhood. Any assault on secularism therefore is the assault on Indian nationhood.

Take-over of State by the forces inamical to secularism may endanger "Unity and Integrity of the country". Omissions and commissions of certain State Governments in the recent past centring around the Ram Janambhumi-Babri Masjid controversy has exposed the country to such danger.

The Supreme Court in its landmark judgement has rightly sounded the note of warning and blazed a new path of protecting secularism. The Bill seeks to give effect to the ruling of the Supreme Court by suitably amending the Constitution.

Hence this Bill.

NEW DELHI;
June 15, 1994.

CHITTA BASU

BILL No. 69 OF 1994

A Bill to provide for uniform primary education throughout the country.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Uniform Primary Education Act, 1994. **Short title, extent and commencement.**

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

2. In this Act, unless the context otherwise requires, "appropriate government" means the Central Government or the State Government, as the case may be. **Definition.**

3. It shall be the duty of the appropriate Government to provide free and compulsory primary education to every child. **Free and compulsory primary education.**

Opening of new primary schools.

4. The appropriate Government shall establish and maintain primary schools in every district according to its population and need.

Uniform primary education.

5. There shall be uniform system of primary education in all schools whether owned by, or receiving aid out of funds of, the appropriate Government or owned or run by private organisations or individuals or societies or by minorities.

Educational certificates of schools not following uniform primary education not to be recognised.

6. The appropriate Government shall not recognise for any purpose any educational certificate awarded by a school not following uniform pattern of primary education under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Article 45 of the Constitution provides that it shall be the duty of the State to provide free and compulsory education to all children until they attain fourteen years of age. Although, the Government has taken many steps to achieve this end, yet, they are not adequate. At present, we have many types of schools, run by Government and those by private organisations and minorities. All these schools follow different patterns and as a result there is no uniformity in the education imparted in these schools.

Uniformity in the system of school education is imperative to arouse consciousness of national integration in the highly sensitive and impressionable minds of the children. The type of education imparted to the children at the school level determines their growth in the final analysis as future citizens of the country.

Moreover, uniform system of education would avoid any feelings of discrimination or denial of equal opportunities in the matter of career advancement.

It is, therefore, proposed to provide for uniform education atleast at the primary stage.

Hence this Bill

NEW DELHI;
July, 11, 1994.

MOHAN SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free and compulsory primary education.

Clause 4 provides that the appropriate Government shall establish and maintain primary schools in every district according to its population and need for the purpose of imparting primary education It is not known how many schools will be required for carrying out the provisions of the Bill. Some expenditure will be involved in setting up of schools in Union territories. The expenditure in respect of schools established in Union territories shall be met out of the Consolidated Fund of India. Expenditure in respect of schools established in States shall be met out of the respective Consolidated Funds of the States although financial assistance may be extended by the Central Government.

It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be involved. A non-recurring expenditure to the tune of rupees twenty crore is also likely to be involved.

BILL No. 67 OF 1994

A Bill to provide for the constitution of the Youth Welfare Board for the welfare and protection of the rights and interests of students and youth and for matters connected therewith.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title extent and commencement.

1. (*1*) This Act may be called the Youth Welfare Board Act, 1994.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires,—

(*a*) 'Board' means the Youth Welfare Board constituted under section 3 of this Act;

(*b*) 'prescribed' means prescribed by rules made under this Act; and

(*c*) 'youth' means any person who has not attained the age of thirty years or any other person who is admitted to any educational institution whether owned by the Central Government or by the State Government or by any other organisation or by an individual.

Constitution of the Youth Welfare Board.

3. (1) The Central Government shall, by Notification in the Official Gazette, constitute a Board to be known as the Youth Welfare Board.

(2) The Board shall consist of such number of members, not exceeding thirteen, as may be prescribed, and, unless the rules made in this behalf otherwise provide, the Board shall consist of the following members who shall be appointed by the Central Government, namely:—

(*a*) A Chairperson who shall be a prominent social worker or a jurist or a man of intelligentsia of national fame;

(*b*) six members to represent the youth of which three members shall be from amongst the students; and

(*c*) six members to be selected from amongst the voluntary organisations engaged in the upliftment of youth in the country.

(3) The term of office and other conditions of service of the Chairperson and other members shall be such as may be prescribed:

Provided that—

(*a*) the age of the Chairperson of the Board shall not exceed sixty years at the time of his appointment;

(*b*) the term of the Board shall be five years from the date of its constitution; and

(*c*) the Central Government shall reconstitute the Board three months prior to expiry of the term of the previous Board.

Secretary and other officers of the Board.

4. (1) The Board shall appoint a Secretary and such other officers and employees at it considers necessary for the efficient discharge of its functions under this Act.

(2) The terms and conditions of service of the Secretary and other officers and employees of the Board shall be such as may be prescribed.

Functions of the Board.

5. The Board shall make recommendations to the Central Government regarding—

(*a*) facilities to be provided to the youth for their welfare and betterment;

(*b*) effective participation of the youth in nation building activities; and

(*c*) measures to prevent exploitation and removal of grievances of youth.

Central Government to frame national policies.

6. The Central Government shall frame national policies for the development of youth on the basis of the recommendations of the Board under section 5.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The Constitution of India envisages India as a welfare State. Many laws have been enacted under the Constitution of India for promoting the interests of youth, students and children but these laws are not being properly implemented. Crores of students are roaming jobless on the roads after completing their school education. There is no scope for their employment. The students are the victims of discrimination in schools, colleges, universities and educational institutions. Despite their merit, they do not get admission in the courses of their choice.

Article 39 of the Constitution provides that the State shall direct its policy towards ensuring that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment. However, children are seen begging on the roads. They are also beaten mercilessly in the family due to financial hardships. Sometimes, parents also disown their children due to family feuds. As such, some effective measures must be taken to protect the interests of these children and to improve their lot.

Therefore it, is essential to have a standing body for safeguarding the interests of children, students and youth and to improve their lot.

The Bill, therefore, seeks to constitute a Youth Welfare Board with a view to recommending to the Central Government the measures for the welfare and protection of rights and interests of children, students and youth.

Hence this Bill.

NEW DELHI
July 11, 1994

MOHAN SINGH

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Youth Welfare Board by the Central Government. Clause 4 provides for appointment of Secretary and other officers and employees by the Board. Clause 6 provides for framing of national policies by the Central Government for the development of youth on the basis of recommendations of the Board. The Bill, therefore, if enacted, is likely to involve an annual recurring expenditure of about rupees one crore from the Consolidated Fund of India.

It is also likely to involve a non-recurring expenditure of about rupees fifty lakh from the Consolidated Fund of India.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 65 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1994. Short title

2. In article 330 of the Constitution, after clause (3) and before *Explanation*, the following clause shall be added namely:— Amendment of article 330.

"(4) Not less than one third of the total number of seats reserved under clause (1) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.".

3. After article 330 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 330A.

"330A. Not less than one-third (including the number of seats served for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats allotted to the States and the Union territories in the House of the People under article 81 shall be reserved for women.". Reservation of seats for women in the House of the People.

Amendment of article 332.

4. In article 332 of the Constitution, after clause (4), the following clause shall be added, namely:—

"(4A) Not less than one-third of the total number of seats reserved under clauses (1) and (2) shall be reserved for women belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.".

Insertion of new article 332A.

5. After article 332 of the Constitution, the following article shall be inserted, namely:—

Reservation of seats for women in the Legislative Assemblies of the States.

"332A. Not less than one-third (including the number of seats reserved for women belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats in any Legislative Assembly under article 170 shall be reserved for women.".

STATEMENT OF OBJECTS AND REASONS

The population of women in our country is almost half of the total population of the country. However, it has been observed that women are not coming forward in a large number to represent in the House of the People and in the Legislative Assemblies of the States. With the change in time, women have to play a larger role in shaping the destiny of the country. The few women representatives who are elected to the House of the People or Legislative Assemblies of the States are not able to put forward the grievances of the women folk of the country in a forceful way. It is felt that women should be given more opportunities to come forward and have a say in the formulation of policies. Therefore, it is proposed that one-third of seats in the House of the People and in the State Assemblies should be reserved for women.

Hence this Bill.

NEW DELHI;
July 11, 1994.

KASHIRAM RANA

BILL No. 85 OF 1994

A Bill to provide for the payment of unemployment allowance to unemployed persons and for matters connected therewith.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Payment of Unemployment Allowance Act, 1994.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires.—

(*a*) 'employment' means any job, either in private sector or in public sector or in the services of the Central Government or the Government of a State and includes any other job, either within or outside the country, including self-employment;

(*b*) 'prescribed' means prescribed by rules made under this Act; and

(*c*) 'unemployed persons' means any adult citizen above the age of eighteen years who is not employed and whose name is registered in any Employment Exchange.

Payment of unemployment allowance.

3. (*1*) There shall be paid by the Central Government to every unemployed person an unemployment allowance at such monthly rate, not exceeding rupees five hundred per month, as may be prescribed:

Provided that no unemployed person shall be entitled for the payment of unemployment allowance under this section if the annual income of his parents exceeds rupees fifty thousand.

(*2*) The amount of unemployment allowance to be paid to an unemployed person under sub-section (1) shall be determined after taking into consideration his educational qualifications, skill and such other factors, as may be prescribed.

Intimation of securing employment.

4. Every unemployed person who is receiving unemployment allowance under section 3 shall, within fifteen days from the date of securing any employment, intimate the fact of his having secured employment to the Employment Exchange where his name is registered and thereupon, such unemployed person shall cease to be eligible to receive the unemployment allowance from the date of securing such employment.

Punishment.

5. Any person who contravenes the provisions of this Act shall be punished with a fine which may extend to rupees five thousand.

Power to make rules.

6. The Central Government may, by notification, in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Unemployment is one of the most serious problems facing our country. Statistics presents a frightening picture. Despite the best efforts of the Government to eradicate unemployment, it still remains a serious challenge.

In a welfare State, it is the duty of the Government to provide employment to all. In many welfare States, unemployment allowance is paid to the unemployed as a measure to provide relief to them. Although, payment of such allowance is no solution to the problem of unemployment and related miseries faced by unemployed persons, it would provide atleast some relief to the unemployed persons. Ours is a welfare country and it is the moral duty of the State to provide relief to the unemployed youth.

Hence this Bill.

NEW DELHI;
July 15, 1994.

RAMESH CHENNITHALA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the payment of unemployment allowance by the Central Government to every unemployed person. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. The expenditure on this account is basically recurring in nature as it has to be paid every month. At the moment, it is difficult to prescisely estimate the likely expenditure. However, an initial recurring expenditure of about rupees three hundred crore is likely to be involved.

Since there is no need to create any new infrastructure for this purpose and, since the existing machinery of the State can be used for implementing the provisions of the Bill, no non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules to be made will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 71 OF 1994

A Bill further to amend the Beedi Workers Welfare Fund Act, 1976.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Beedi Workers Welfare Fund (Amendment) Act, 1994.

(*2*) It shall come into force in a State on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different areas in the State and for different provisions of this Act.

Insertion of new section 4A.

2. After section 4, of the Beedi Workers Welfare Fund Act, 1976, the following section shall be inserted, namely:— 62 of 1976.

Application of certain provisions to unorganised workers.

"4A. Such of the provisions of section 4, as may be specified from time to time by the Central Government in consultation with a State Government, shall be made applicable to persons, other than those mentioned in clause (f) of section 2 of the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, who are engaged in the making of beedi.". 32 of 1966

STATEMENT OF OBJECTS AND REASONS

Beedi workers are the poorest among the work force in the country. Various enactments like the Beedi and Cigar Workers (Conditions of Employment) Act, 1966, the Beedi Workers Welfare Fund Act, 1976 and the Beedi Workers Welfare Cess Act, 1976, are aimed at regulating the wages and promoting the welfare of the beedi workers. However, these enactments apply to only the workers in the organised sector. It is a matter of common knowledge that lakhs of people are engaged in the making of beedi in the unorganised sector who do not get the benefits provided under these laws. Their condition is extremely pitiable. There is, therefore, an urgent need to provide for their welfare too. This Bill seeks to achieve the above objective by making the Beedi Workers Welfare Fund Act, 1976 applicable to the workers in the unorganised sector.

NEW DELHI;
July 15, 1994

RAMESH CHENNITHALA

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to make the beedi workers welfare fund applicable to the beedi workers in the unorganised sector also. This will entail additional expenditure from the Consolidated Fund of India and will be recurring in nature. It is not possible at this stage to precisely indicate the expenditure. However, an amount of rupees one crore may be needed to meet the expenditure towards the welfare needs of workers.

No non-recurring expenditure is likely to be involved.

BILL No. 80 OF 1994

A Bill further to amend the Cinematograph Act, 1952.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Cinematograph (Amendment) Act, 1994.

(*2*) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Amendment of section 5B.

37 of 1952.

2. In section 5B of the Cinematograph Act, 1952,—

(*i*) in sub-section (*1*), for the words "decency or morality,", the words "decency or morality, or depicts vulgarity" shall be substituted;

(*ii*) after sub-section (*1*), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—For the purposes of this sub-secton, the expression "depicts vulgarity" means and includes exhibition of the human anatomy with the intention of appealing to the baser instincts.".

STATEMENT OF OBJECTS AND REASONS

Vulgar exhibition of human anatomy in cinema has become a matter of serious concern to the people who value decency and artistic merit. Cinema is a powerful medium which exercises great influence on the minds of public, especially of adolescents. It cannot be allowed to degenerate into an instrument for titillating the baser instincts of people. Some popular cinema makers seem to have forgotten the dividing line between decency and vulgarity and there seems to be a competition among them to produce and exhibit films depicting extreme kind of vulgarity. This attitude destroys the value system of the society. This trend of coarse vulgairty in films has to be controlled for the sake of preserving the moral health of the society.

Hence this Bill.

NEW DELHI;
July 15, 1994.

RAMESH CHENNITHALA

BILL NO. 72 OF 1994

A Bill further to amend the Representation of the People Act, 1950.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 1994.

(*2*) It shall come into force at once.

Amendment of section 20.

43 of 1950.

2. In section 20 of the Representation of the People Act, 1950, for sub-section (*1A*), the following sub-section shall be substituted, namely:—

"(1A) A person absenting himself temporarily from his place of ordinary residence for reason of his employment anywhere else in the country or in a foreign country shall not by reasons thereof cease to be ordinarily resident therein:

Provided that such person may, at his discretion get himself registered as an elector at his place of employment after getting his name deleted from the electoral roll of his earlier place of residence.".

STATEMENT OF OBJECTS AND REASONS

Due to regional under-development as well as disparity in the level of development, there is a continuous flow of citizens across the country as well as to foreign countries for employment. But such persons largely maintain their link with their place of domicile ordinary residence. Even if a person is working abroad or in any part of the country, he should continue to be registered as an eletcor in the place of his ordinary residence so that if he is present during the elections he can cast his vote.

In some cases, such electors have found it difficult to maintain their electoral status in the electoral roll of the place of their ordinary residence. This Bill seeks to facilitate their continuance as electors. However, option may be given to a person to get himself registered as a voter at the place of his employment.

Hence this Bill.

NEW DELHI;
July 15, 1994

SYED SHAHABUDDIN

BILL No 70 OF 1994

A Bill further to amend the Representation of the People Act, 1951

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows.—

Short title and commencement

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 1994

(*2*) It shall come into force on the first day of January, 1996.

Amendment of section 3

43 of 1951

2. In section 3 of the Representation of the People Act, 1951, for the words "unless he is an elector", the words "unless he has been an elector for atleast three years prior to the date of his nomination" shall be substituted

STATEMENT OF OBJECTS AND REASONS

At present, the basic requirement under the Representation of the People Act, 1951 for being chosen as a member of the Rajya Sabha is that he must be an elector in that State. The distinction in the election procedure for becoming a member of Lok Sabha or Rajya Sabha has been distorted by the candidates contesting elections to Rajya Sabha by getting themselves registered as electors of any State just before the elections to the Rajya Sabha without having resided there and without having any knowledge of the needs and aspirations of the people of the State. Our Constitution, however, guarantees freedom of movement throughout the country and, therefore, a person may choose to move to other State or reside therein. This Bill proposes that a person should have been an elector for at least 3 years before he is eligible to be nominated for elections to Rajya Sabha.

Hence this Bill.

NEW DELHI;
July 15, 1994.

SYED SHAHABUDDIN

BILL NO. 82 OF 1994

A Bill to provide for reservation for backward classes and most backward classes in services and educational institutions under the State...

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Backward Classes (Proportional Representation in Services and Educational Institutions) Act, 1994.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "approporiate Government" means the Central Government or the State Government, as the case may be;

(*b*) "backward classes" has the same meaning as is assigned to it under clause (*a*) of section 2 of the National Commission for Backward Classes Act, 1993;

(*c*) "educational institutions" includes professional colleges, owned by the appropriate Government or receiving aid from the appropriate Government; and 27 of 1993.

(*d*) "most backward classes" means castes or classes from amongst backward classes which are deemed to be most backward classes by the appropriate Government by notification under section 3.

Publication of list of names of most backward classes.

3. The appropriate Government shall within one month from the coming into forces of this Act, by notification in the Official Gazette, publish a list containing the names of most backward classes from amongst the backward classes in that State or Union territory, as the case may be.

Reservation in services for backward and most backward classes.

4. (*1*) There shall be reserved appointments or posts in services under the appropriate Government for the backward classes and the most backward classes.

(*2*) The number of appointments or posts reserved under sub-section (*1*) for the backward classes and the most backward classes shall, in the case of appointments or posts in services under the Central Government, be in the proportion of the ratio their respective population bears to the total population of the country and, in the case of appointments or posts in services under the State Government, in the proportion of the ratio their respective population bears to the total population of a State:

Provided that the number of appointments or posts reserved for the backward classes and the most backward classes shall be readjusted in accordance with the ratio of the proportion of their respective population bears to the total population of the country or of a State as the case may be, as ascertained at the last preceding census of which the relevant figures have been published:

Provided further that if no suitable candidates belonging to the backward classes or the most backward classes are available to fill the appointments or posts reserved for them, such appointments or posts shall be carried forward to subsequent years and shall be filled up by candidates belonging to the backward classes or the most backward classes only, as the case may be.

Explanation.—In this section, the expression "reservation in appointments or posts in services" means reservation in initial recruitment and includes reservation in promotions at all levels in all services.

Reservation in educational institutions for backward and most backward classes.

5. (*1*) Seats shall be reserved for the backward classes and the most backward classes in all educational institutions under the appropriate Government.

(*2*) The number of seats reserved in any educational institution in a Union territory or in a State for the backward classes or the most backward classes, as the case may be, shall bear the same proportion to the total number of seats in that educational institutions as the respective population of the backward

classes or the most backward classes bears to the total population of that Union territory or of that State, as the case may be.

Act to have overriding effect.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Power to make rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The people belonging to backward classes/castes were harassed and humiliated in the society simply because of their birth in those classes/castes. They are unable to occupy important positions in Government and other sectors as they do not have access to good educational institutions because of their poor economic status.

Although the Government has floated many schemes and taken many steps to ameliorate the sufferings of backward classes yet their social and living conditions have not met with expected results due to various factors. Also, there are some classes and castes within the backward classes who are most backward classes. These most backward classes should be given special consideration.

At present, there is no provision of reservation in educational institutions for the socially and educationally backward classes. Since education is the basic requirement for getting employment and thereby leading a dignified and decent life, it is proposed to provide for reservation in educational institutions, including professional colleges, for people belonging to backward classes in accordance with the proportion of their population.

Recently, it was decided to reserve 27 per cent of appointments and posts in services under the Government for other backward classes in addition to existing reservation schemes for the Scheduled Castes and the Scheduled Tribes. Cutting across party lines, the move was welcomed by every one. However, some reservations were expressed in the reservation scheme for other backward classes. Firstly, the reservation of appointments or posts in Government services for other backward classes should be in accordance with their population. Secondly, the restriction on the percentage of posts to be reserved under any reservation scheme should be done away with.

The Supreme Court in their recent judgment ordered that not more than 50 per cent of the total appointments or posts in Government services or 50 per cent of the total seats in educational institutions shall be reserved for any class. Since the population of other backward classes is nearly 55 per cent of the total poulation of the country, it would be proper and just to take into consideration their population while reserving appointments or posts in services or seats in educational institutions for them.

The measures contemplated in the Bill will go a long way in the betterment and welfare of the backward classes.

Hence this Bill.

NEW DELHI
July 22, 1994.

P. ANBARASU

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for preparation and publication of list of most backward classes by the appropriate Government. As far as expenditure on this relating to Union territories is concerned, it will be met out of Consolidated Fund of India. The respective State Governments will meet expenditure relating to their States. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure to the tune of rupees five lakh is likely to be involved.

No non-recurring expenditure is likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules to be made will be of administrative detail only, the delegation of legislative power is of a normal character.

BILL No. 87 OF 1994

A Bill to establish and incorporate a University at the national level for the promotion of creativity and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Lord Buddha National Creativity University Act, 1994. Short title

2. In this Act, and the Statues made thereunder, unless the context otherwise requires,— Definitions

(*a*) "Academic Council" means the Academic Council of the University;

(*b*) "Advisory Council" means Advisory Council of the University;

(*c*) "Board of Management" means Board of Management of University;

(*d*) "Campus" means campus of the University;

(e) "distance education systems' means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence seminars, contact programmes or the combination of any two or more of such means;

(f) "Finance Committee" means Finance Committee of the University;

(g) "Governing Body' in relation to a campus means any body (by whatever name called) charged with the management of the affairs of the Campuses/Colleges and recognised such by the University;

(h) "School" means a School of studies and Faculties of University;

(i) "Regulations" means the Regulations made by any authority of the University under this Act for the time being;

(j) "Statutes" and "Ordinances" means respectively, the Statutes and Ordinances of the University for the time being in force;

(k) "University", means Lord Buddha National Creativity University;

(l) "Chancellor, Vice-Chancellor, Pro-Vice Chancellor and Visitor" means respectively, the Chancellor, Vice-Chancellor, Pro Vice-Chancellor and Visitor of Lord Buddha National Creativity University.

The university

3. (1) There shall be established a University by the name of "The Lord Buddha National Creativity University."

(2) The headquarter of the University shall be at Delhi and it may also establish or maintain Campuses, Colleges, Centres, Workshops at any such other places in India as it may deem fit.

(3) The first Visitor, the first Chancellor, the first Vice-Chancellor, the first Pro-Vice Chancellor and the members of the first Board of Management, the first Academic Council, and the first Planning Board shall be persons who may hereafter become such officers or members and so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "Lord Buddha National Creativity University."

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

Objects of the University.

4. (1) The objects of University shall be to advance and disseminate knowledge by a diversity of means; to use and apply knowledge for solving problems of Community, particularly Scheduled Castes and Scheduled Tribes; to encourage higher and distance education system and to co-ordinate and determine the standards in such systems.

(2) The University shall in organising its activities, have due regard to the objects specified in the First Schedule

Powers of the University.

5. (1) The University shall have the following powers, namely:—

(i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research in Humanity, Sciences, Agriculture, Medicine and Law;

(ii) to plan and prescribe courses of study for degrees, diplomas certificates or for any other purpose;

(iii) to hold examinations and confer degrees/diplomas, certificates or for any other academic distinctions or recognition, on persons who have pursued a course of study or conducted research in the manner laid down by the Statutes and Ordinances;

(iv) to confer honorary degrees or other distinctions in the manner laid down by the Statutes;

(v) to determine the manner in which distance education and higher education in relation to the academic programmes of the University may be organised;

(vi) to determine the manner in which the creativity system in higher education shall be evolved to make the students intelligent and independent in forming opinion and making judgement;

(vii) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;

(viii) to establish and maintain such Campuses and Regional Centres as may be determined by the University from time to time;

(ix) to establish, maintain or recognise Campuses and Study Centres in the manner laid down by the Statutes;

(x) to recognise examinations of or periods of study (whether in full or part at other Universities, institutions or other places of higher learning) as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;

(xi) to make provision for research and development in educational technology and related matters;

(xii) to create administrative, ministerial and other necessary posts and to make appointments thereto;

(xiii) to receive benefaction donations and gifts and to acquire, hold, maintain and dispose of any property, movable or immovable, including trust and Government property, for the purposes of the University;

(xiv) to borrow, whether on the security of the property of the University or otherwise, money for the purposes of the University and to enter into, carry out or cancel contracts;

(xv) to demand and receive such fees and other charges as may be laid down by the Ordinance; and

(xvi) to determine standards and to specify conditions for the admission of students to courses of study of the University which may include examination, evaluations and any other method of testing.

(2) Notwithstanding anything contained in any other law for the time being in force but without prejudice to the provisions of sub-section (1) it shall be duty of the University to take all such steps as it may deem fit for the promotion of the University, Education and distance education systems and for the determination of standards of teaching, evaluation and research in such system.

Juris-diction.

6. The University shall in the exercise of its powers have jurisdiction over the whole of India.

Univer-sity open to all classes, castes and creed.

7. (*1*) The University shall be open to persons of either sex and of whatever race, creed, castes or class of Scheduled Castes and Scheduled Tribes, and it shall not be lawful for the University to adopt or impose on any person any condition whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the University, or to graduate thereat or to enjoy or exercise any privilege thereof.

(*2*) Nothing in sub-section (*1*) shall be deemed to prevent the University, from making any special provision for the appointment or admission of women or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

The Visitor.

8. (*1*) The President of India shall be the Visitor of the University.

(*2*) The Visitor may from time to time appoint one or more persons to review the work and progress of the University, including Campuses, Regional Colleges and Institutions managed by it, and to submit a report thereon; and upon receipt of that report the Visitor may after obtaining the views of the Board of Management thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(*3*) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipments and of any College or institutions or Campuses maintained by the University and also of the examination, teaching and other work conducted or done by the University and to cause an enquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Campuses, Colleges or Institutions.

(*4*) The Visitor may delegate these powers to the Chancellor of the University.

(*5*) The Visitor and the Chancellor shall have such other powers as may be prescribed by the Statutes.

Officers of the Univer-sity.

9. The following shall be the officers of the University:—

(1) The Chancellor;

(2) The Vice-Chancellor.

(3) The Pro-Vice—Chancellors;

(4) The Directors of Schools;

(5) The Registrar;

(6) The Finance Officer;

(7) Such other officers as may be declared by the Statutes to be of the University.

The Chancellor.

10. (*1*) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(*2*) The Chancellor shall by virtue of his office be the Head of the University.

(*3*) The Chancellor shall if present, preside at the convocation of the University held for conferring degrees.

(*4*) The Chancellor shall exercise the powers of the Visitor which are delegated by the Visitor to the Chancellor.

The Vice-Chancellor.

11. (*1*) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(*2*) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(*3*) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

Pro-Vice-Chancellor.

12. Every pro-Vice-Chancellor shall be appointed in such manner and shall exercise such powers and perform such duties as may be prescribed by the Statutes or Ordinances.

Directors of schools.

13. Every Director of a School shall be appointed in such manner on such emoluments and other conditions of service, and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.

Registrar, Finance Officer and other officers.

14. (*1*) The Registrar and Finance Officer and Other Officers shall be appointed in such manner on such emoluments and other conditions of service as may be prescribed by the Statutes.

(*2*) The Registrar empowered by the Board of Management shall have the power to enter into, agreement, sign documents and authenticate records on behalf of the University.

(*3*) The Finance Officer and other Officers shall exercise such powers and perform such functions as may be prescribed by the Statutes.

Authorities of the University.

15. The following shall be the authorities of the University:

(1) The Board of Management;

(2) The Advisory Council of the University;

(3) The Academic Council;

(4) The Planning Board;

(5) The Board of Recognition:

(6) The Schools of studies;

(7) The Finance Committee;

(8) Such other authorities as may be declared by the statutes to be the authorities of the University.

The Board of Management.

16. (*1*) The Board of Management shall be the principal executive Body of the University.

(*2*) The constitution of the Board of Management, the terms of office of its members and its powers and functions shall be prescribed by the Statutes.

The Advisory Council.

17. (*1*) The Advisory Council shall be advisory body to aid and advise the University to perform the functions

(*2*) The Constitution of the Advisory Council, its powers and functions shall be prescribed by the Statutes.

The Academic Council.

18. (*1*) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation and be responsible for the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.

(*2*) The Constitution of the Academic Council and the terms of Office of its members shall be prescribed by the Statutes.

The Planning Board.

19. (*1*) There shall be constituted a Planning Board of the University which shall be the principal planning body of the University and shall be responsible for the monitoring of the development of the University on the lines indicated in the objects of the University.

(*2*) The constitution of the Planning Board, the term of office of its members and its powers and functions shall be prescribed by the Statutes.

The Schools of studies

20. (*1*) There shall be such number of Schools of studies as the University may determine from time to time.

(*2*) The constitution, powers and functions of the Schools of studies shall be prescribed by the Statutes.

The Finance Committee.

21. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

Other authorities of the University.

22. The constitution, powers and functions of the other authorities which may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

Power to make Statutes.

23. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(*a*) the manner of appointment of the Chancellor, the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him;

(*b*) the manner of appointment of the Vice-Chancellor the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised by him;

(*c*) the manner of appointment of Pro-Vice-Chancellors, Directors of Schools, the Registrar, the Finance Officer and other Officers the emoluments and other conditions of their service and the powers and functions that may be exercise and performed by each of the officers;

(*d*) the constitution of the Board of Management, Advisory Council and other authorities of the University, the terms of office of the members of such authorities and the powers and functions that may be exercised and performed by such authorities;

(*e*) the appointment of teachers and other employees of the University, their emoluments and other conditions of service;

(*f*) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;

(*g*) the principles of governing the seniority of services of the employees of the University;

(*h*) the procedure in relation to any appeal or application for review by any employee or student of the University against the action of any officer or authority of the University, including the time within which such appeal or application for review shall be preferred or made;

(*i*) the procedure for the settlement of disputes between the employees or students of the University;

(*j*) the conferment of autonomous status on Colleges and Study Centres and Campuses;

(*k*) the co-ordination and determination of standards in the University and distance education systems;

(*l*) all other matters which by the Act are to be or may be prescribed by the Statutes.

Statutes how to be made.

24. (*1*) The first Statutes are those set out in the Second Schedule.

(*2*) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (1).

Power to make ordinance.

25. (*1*) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for the admission of students, the courses of study and the fees therefor, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships, awards and the like.

(*2*) The first Ordinance shall be made by the Vice-Chancellor with the previous approval of the Visitor and the Ordinances so made may be amended, repealed or added to at any time by the Board of Management in the manner prescribed by the Statutes.

Regulations.

26. The authorities of the University may make Regulations consistent with the Act the Statutes and the Ordinances for the conduct of, their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Annual report.

27. The Unviersity shall publish annual report and shall submit it to the visitor within one month from the expiry of the relevant financial year.

Annual accounts and audit report.

28. (*1*) The annual accounts and the balance sheet of the University shall be prepared under the directions of the Board of Management and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor General of India or such person or persons as he may authorise in this behalf.

(*2*) A copy of the accounts together with the audit report shall be submitted to the Visitor alongwith the observations, if any, of the Board of Management.

(*3*) Any observations made by the Visitor on the annual accounts shall be brought to notice of the Board of Management and the views of the Board of Management, if any, on such observations shall be submitted to the Visitor.

Transitional provisions.

29. The first appointment of Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, Registrar, Finance Officer shall be made by the Visitor and they may be considered as appointed under Statutes of the University.

FIRST SCHEDULE

[*See section* 4]

THE OBJECTS OF THE UNIVERSITY ....

1. The University is established to reform education system.

2. The University is established to create leadership and ability particularly among Scheduled Castes and Scheduled Tribes and education shall be based on creativity in education.

3 The University is established to cater to the needs of the Scheduled Castes and Scheduled Tribes and it will solve the problems of the society through its education system.

4. This University is established to promote education among Scheduled Castes and Scheduled Tribes in addition to the education which is imparted to these communities in other Universities.

THE SECOND SCHEDULE

[*See section* 24]

STATUTES OF THE UNIVERSITY

The Visitor

1. (1) The President of India shall be the Visitor of the University and all the policies, Statutes, Ordinances shall be implemented after the approval of the Visitor.

(2) All rules and regulations shall come into force after approval of the Visitor.

(3) The Visitor shall appoint the Chancellor of the University, the Vice-Chancellor, Pro-Vice-Chancellors and other Officers of the University.

The Chancellor 9

2. (1) There shall be a Chancellor of the University who shall be appointed by the Visitor.

(2) All the functions of the University shall be carried out in the name of the Chancellor.

(3) The Chancellor shall be the head of all the Councils. The Vice-Chancellor, Pro-Vice-Chancellor, Head of the Councils and other Departments shall be appointed by the Visitor on the recommendations of the Chancellor.

The Vice-Chancellor

3. (1) The Vice-Chancellor shall be a whole time salaried officer of the University and he shall be appointed by Visitor for a term of three years.

(2) The retirement age of the Vice-Chancellor shall be sixty-five years.

(3) The salary and other terms and conditions of his service shall be as applicable to Vice-Chancellors of Universities established by the Central Government.

(4) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause the senior most Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor and if there is no Pro-Vice-Chancellor, the senior-most Director shall perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office as the case may be.

Powers and functions of the Vice-Chancellor

4. (1) The Vice-Chancellor shall be *ex-officio* Vicce-Chairman of the Board of Management, the Academic Council, the Planning Board and the Finance Committee.

(2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any other authority or other body of the University, but shall not be entitled to vote threat unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, Statutes, Ordinances and Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.

(5) The Vice Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he may deem fit.

(6) The Vice-Chancellor shall be empowered to grant leave of absence to any officer of the University and make necessary arrangements for the discharge of the functions of such officer during the absence.

(7) The Vice-Chancellor shall grant leave of absence of any employee of the University in accordance with the rules and if he so desires delegate such powers to another officer of the University.

(8) The Vice Chancellor, only on the advice of Chancellor, shall have the power to convene or cause to be convened the meetings of the Board of Management, the Academic Council, the Planning Board, and the Finance Committee.

(9) The Vice-Chancellor shall have the following further powers, namely:

(i) to recommend to the Chancellor to appoint such Professors, Readers, Lecturers and other teachers as may be necessary with the prior approval of the Board of Management;

(ii) to appoint course writers, script writers, counsellors, programmers, artists and such other persons as may be considered necessary for the efficient functioning of the University;

(iii) to make short-term appointments for a period not exceeding six months of a time of such persons as may be considered necessary for the functioning of the University;

(iv) to arrange for the establishment and maintenance of Regional and Study Centres, Campus and other Departments at different places as may be required from time to time and delegate to any employee such powers as are necessary for their efficient functioning.

The Pro-Vice-Chancellors

5. (1) Every Pro-Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Board of Management

(2) The term of office of a Pro-Vice-Chancellor shall be such as may be decided by the Board of Management, but it shall not in any case exceed three years or until the expiration of the term of office of the Vice-Chancellor whichever is earlier and he shall be eligible for reappointment.

(3) The retirement age of the Pro-Vice-Chancellor shall be sixty-five years and the salary of the Pro-Vice-Chancellor and other terms of conditions of his service shall be such as applicable to Pro-Vice-Chancellors of other Universities established by the Central Government:

The Directors of Schools

6. (1) Every Director of a school shall be appointed by Board of Management on the recommendation of Vice-Chancellor and the Committee constituted for this purpose.

(2) Every Director shall be a whole-time salaried officer of the University.

(3) A Director shall exercise such powers and perform such functions as may be prescribed by the Ordinances.

The Registrar

7. (1) Every Registrar shall be appointed by the Board of Management on the recommendation of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The emoluments and other conditions of service of a Registrar shall be prescribed by the Ordinances:

Provided that a Registrar shall retire on attaining the age of sixty years.

(3) A Registrar designed by the Board of Management shall have power to take disciplinary action against such of the employees excluding teachers and other members as may be specified by the Board of Management by order.

(4) An appeal shall lie to an officer so designated by the Board of Management against any order made by the Registrar in pursuance of clause (3).

(5) In cases where an inquiry disclosed that a punishment beyond the powers of a Registrar is called for, the Registrar shall, consequent on the inquiry, make a report to the Vice-Chancellor along with his recommendations for such action as the Vice-Chancellor may deem fit:

Provided that an appeal shall lie to the Board of Management against an order of the Vice-Chancellor imposing any penalty.

(6) Such of the Registrars as are designated by the Board of Management shall be—

(*i*) the Secretary to the Board of Management;

(*ii*) the Member-Secretary of the Academic Council;

(*iii*) the Member Secretary of the Planning Board.

(7) A Registrar so designated shall:

(a) be the custodian of the records, the common seal and such other properties of the University as the Board of Management may commit to his charge;

(b) issue notices and convene meetings of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by those authorities;

(c) keep the minutes of the meetings of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by such authorities;

(d) conduct the official proceedings and correspondence of the Board of Management, the Academic Council and the Planning Board;

(e) supply to the Visitor, a copy of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;

(f) represent the University in suits or proceedings, by or against the University, sign power of attorney, verify pleadings and depute his representative for the purpose;

(g) perform such other functions as may be specified in the Statutes, Ordinances or Regulations or as may be required from time to time by the Board of Management or the Vice-Chancellor.

The Finance Officer

8. (1) The Finance Officer shall be appointed by the Board of Management on the recommendation of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University and shall work under the control of the Vice-Chancellor;

(2) The emoluments and other conditions of service of the Finance Officer shall be prescribed by the Ordinances:

Provided that the Finance Officer shall retire on attaining the age of sixty years.

(3) When officer of the Finance Officer is vacant or when the Finance Officer is by reason of ill health, absence or any other cause unable to perform his functions as Finance Officer, his functions shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance Officer shall.—

(a) exercise general supervision of the funds of the University and advise it as regards its financial policies;

(b) perform such other financial functions as may be assigned to him by the Board of Management or as may be prescribed by the Statutes or the Ordinances:

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding rupees one lakh, without the previous approval of the Board of Management.

(5) Subject to the control of the Vice-Chancellor and the Board of Management, the Finance Officer shall,—

(*a*) hold and manage the properties and investments of the University, including trust and immovable properties for fulfilling any of the objects of the University;

(*b*) ensure that the limits fixed by the Finance Committee for recurring and non-recurring expenditure for a year are not exceeded and the money is expended or spent for the purposes for which it was granted or allotted;

(*c*) be responsible for the preparation of the annual accounts and the budget of the University and for their presentation to the Board of Management after they have been considered by the Finance Committee;

(*d*) keep a constant watch on the cash and bank balances and investments;

(*e*) watch the progress of collection of revenue and advise on the methods of collection employed.

(*f*) ensure that the registers of properties of the University are maintained properly and that stock checking is conducted of equipments and other materials in the offices of the University including Regional Centres, Study Centres and other institutions maintained by the University;

(*g*) bring to the notice of the Vice-Chancellor any unauthorised expenditure or other financial irregularities and suggest appropriate action against persons at fault;

(*h*) call from any office of the University, including Regional Centres, Study Centres and other institutions maintained by the University, any information or reports that he may consider necessary for the performance of his functions.

(6) Any receipt given by the Finance Officer or by the person duly authorised in this behalf by the Board of Management shall be a sufficient discharge for payment of moneys to the University.

The Board of Management:

9. (1) The Board of Management shall consist of the following members namely:—

(*i*) The Chancellor;

(*ii*) the Vice-Chancellor;

(*iii*) the Senior-most Pro-Vice-Chancellor;

(*iv*) three employees of the University nominated by the Chancellor;

(*v*) two eminent educationists,

(*vi*) one person each from Commerce Industry and voluntary organisations;

(*vii*) five representatives of Central Government;

(*viii*) one eminent jurist.

(*2*) The term of office of members of the Board of Management shall be three years and they shall be eligible for reappointment.

Powers and functions of the Board of Management:

10. (*1*) The Board of Management shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(*2*) Subject to the provisions of the Act, the Statutes and the Ordinances, the Board of Management shall, in addition to the other powers vested in it under the Statutes, have the following powers, namely:

(*a*) to create teaching and other academic posts and to define the functions and conditions of service of Professors, Readers, Lecturers and other teachers and other academic staff employed by the University;

(*b*) to prescribe qualifications for teachers and other academic staff;

(*c*) to approve the appointment of such Professors, Readers, Lecturers and other teachers and academic staff as may be necessary on the recommendations of the Selection Committees constituted for the purpose;

(*d*) to approve appointments to temporary vacancies of any academic staff;

(*e*) to specify the manner of appointment to temporary vacancies of academic staff;

(*f*) to provide for the appointment of visiting Professors, Emeritus Professors, fellows, artists and writers and determine the terms and conditions of such appointments;

(*g*) to manage and regulate the finances, accounts, investments, property of the University and all other affairs of the University and to appoint such agents as may be considededed fit;

(*h*) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities as it thinks fit or in the purchase of immovable property in India with like power of varying such investment from time to time;

Provided that no action under this clause shall be taken without consulting the Finance Committee:

(*i*) to create administrative, ministerial and other necessary posts after taking into account the recommendations of the Finance Committee and specify the manner of appointment thereto;

(*j*) to regulate and enforce discipline amongst the employees in accordance with the statutes and Ordinances;

(*k*) to transfer or accept transfers of any immovable or movable property on behalf of the University;

(*l*) to entertain, adjudicate upon, or redress the grievances of the employees and the students of the University who may, for any reason, feel aggrieved;

(*m*) to fix the remuneration payable to course writers, counsellors, examiners and invigilators, and travelling and other allowances payable, after consulting the Finance Committee;

(*n*) to select the common seal for the University and to provide for the use of such seal;

(*o*) to delegate any of its powers to the Vice-Chancellor, Pro-Vice-Chancellors, Registrars, the Finance Officer or any other officer, employee or authority of the University, or to a committee appointed by it;

(*p*) to institute fellowships, scholarships, studentships; and

(*q*) to exercise such other powers and perform such other functions as may be conferred or imposed on it by the Act or the Statutes.

(*3*) The Board of Management shall exercise all the powers of the University not otherwise provide for by the Act, Statutes, Ordinances and the Regulations for the fulfilment of the objects of the University.

The Academic Council

11. (*1*) The Academic Council shall consist of the following members, namely:—

(*i*) The Chancellor;

(*ii*) The Vice-Chancellor;

(*iii*) The Pro-Vice-Chancellor(s);

(*iv*) Directors of Schools of Studies;

(*v*) not more than six teachers, other than Directors of Schools of Studies, to be nominated by the Board of Management on the recommendations of the Vice-Chancellor;

(*vi*) Liberarian;

(*vii*) not more than three Directors, other than the Directors of Schools of Studies to be nominated by the Board of Management on the recommendations of the Vice-Chancellor;

(viii) A Registrar, designated by the Board of Management shall be the Member Secretary of the Academic Council; and

(ix) not less than ten persons, who are not employees of the University, co-opted by the Academic Council for their special knowledge, including representatives of employers organisations, industries, trade and commerce, academic and professional organisations and communication field:

Provided that total membership of the Academic Council shall not exceed thirty.

(2) The members of the Academic Council, other than *ex-officio* members, shall hold office for a term of two years from the date of their appointment or co-option, as the case may be.

(3) Ten members of the Academic Council shall form the quorum for a meeting.

Powers of the Academic Council

12. Subject to the Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it under the Statutes, shall have the following powers:

(*a*) to exercise general supervision over the academic policies of the University and to give directions regardng methods of instruction, evaluation, or research or improvement in academic standards;

(*b*) to consider matters of general academic interest either on its own initiative or on a reference from the Planning Board or a School of Studies or the Board of Management and to take appropriate action thereon; and

(*c*) to frame such regulations and rules consistent with the Statutes and the Ordinances regarding the academic functions of the University, including discipline, admissions, award of fellowships and studentships, fees and other academic requirements.

The Planning Board.

13. (*1*) The Planning Board shall consist of the following:

(*i*) The Chancellor;

(*ii*) The Vice-Chancellor;

(*iii*) Four persons to be nominated by the Chancellor from amongst the academic staff of the University;

(*iv*) Five persons, who are not employees of the University, to be nominated by the Visitor, one each representing the following sectors:

(*a*) Vocational/Technical Education;

(*b*) Media/Communication;

(*c*) Manpower Planning;

(*d*) Agriculture/Rural Development and allied activities; and

(*e*) Women's Studies.

(*v*) Five persons, who are not employees of the University, to be nominated by the Board of Management, for their expertise, one each of the following areas of specialisation:

(*a*) Management;

(*b*) Professions;

(*c*) Education;

(*d*) Distance Education; and

(*e*) Commerce and Industry;

(2) The terms of office of the Planning Board shall be three years.

The Schools of Studies

14. (1) The University shall have the following Schools of Studies namely:—

(*a*) School of Humanities;

(*b*) School of Social Sciences;

(*c*) School of Sciences;

(*d*) School of Education;

(*e*) School of Continuing Education;

(*f*) School of Engineering and Technology;

(*g*) School of Management Studies;

(*h*) School of Health Sciences;

(*i*) School of Agricultural, Environment & Forests; and

(*j*) Such other Schools as may be set up by the Statutes.

(2) Every School of Studies, hereinafter called "School", shall have a Board which shall comprise of and power and functions of the Board of Schools shall be made by Ordinances and Statutes.

The Finance Committee

15. (1) The Finance Committee shall consist of the following members namely:—

(*i*) The Chancellor;

(*ii*) The Vice-Chancellor;

(*iii*) A Pro-Vice-Chancellor of the University, by rotation;

(*iv*) A Director of School of the University, by rotation;

(*v*) one person to be appointed by the Board of Management from among its members other than an employee of the University;

(*vi*) one person, who is not an employee of the University, nominated by the Board of Management;

(*vii*) two persons to be nominated by the Visitor;

(*2*) The Finance Officer shall be ex-officio Secretary of the Finance Committee, but he shall not be deemed to be a member of that Committee.

(*3*) All the members of the Finance Committee other than Chancellor shall hold office for a term of three years from the dates on which they become members of the Committee.

(*4*) Four members of the Finance Committee shall form a quorum for a meeting of the Committee;

(*5*) The Finance Committee shall meet at least thrice a year to examine the accounts and scrutinise the expenditure.

(*6*) All proposals relating to revision of grade, upgradation of the scales and those items which are not included in the budget, shall be examined by the Finance Committee before they are considered by the Board of Management.

(*7*) The annual accounts and the financial estimates of the University, prepared by the Finance Officer shal be laid before the Finance Committee for consideration and comments and thereafter submitted to the Board of Management within the overall ceiling fixed by the Committee.

(*8*) The Finance Committee shall fix the limits for the total recurring and non-recurring expenditure for the year, based on income and resources of the University and no expenditure shall be incurred by the University in excess of the limits so fixed.

16. Constitution, Powers & Functions of the following Committees Council and Board shall be prescribed by the Statutes Ordinances of the University after establishment, of the University—

(*a*) Selection Committee;

(*b*) General Provident Fund-Cum-Pension-Cum-Gratuity Scheme;

(*c*) Contributory Provident Fund-Cum-Gratuity Scheme.

STATEMENT OF OBJECTS AND REASONS

The Lord Buddha Academy was established with a view to imparting higher education including university education to weaker sections of the society and in particular to persons belonging to Scheduled Castes and Scheduled Tribes who constitute twenty-five per cent. of the total population of our country.

At present there are many universities in the country but they do not cater to the needs of the weaker sections of the society. The standard in these universities is not of the level as is in the central universities. Majority of the universities in the country only disseminate knowledge and they do not promote creativity among the students.

The proposed university not only seeks to disseminate knowledge but also promote creativity among the students and to teach them the use and application of knowledge for solving problems of the society and in particular of the weaker sections.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 25, 1994.

RAMNIHORE RAI.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Central University to be known as Lord Buddha National Creativity University. Although donations may be received form charitable institutions, some expenditure will be involved from the Consolidated Fund of India in the maintenance and administration of the University. It is estimated that an annual recurring expenditure of rupees ten crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill provides that the first Statutes are those set out in the Second Schedule to the Bill. It also empowers the Board of Management to make a new or additional Statutes or amend or repeal the Statutes of the University Clause 25 empowers the Vice-Chancellor of the University to make the first Ordinances of the University with the previous approval of the Visitor and provides that the Ordinances so made may be amended, repealed or added at any time by the Board of Management in the manner prescribed by the Statutes. Clause 26 of the Bill enables the authorities of the University to make Regulations, consistent with the Act, the Statues and the Ordinances for the conduct of their own business and that of the Committees appointed by them.

The matters for which Statutes, Ordinances or Regulations may be made pertain to matters of procedure or detail and it is hardly possible to provide for them in the Bill The delegation of legislative powers is, therefore of a normal character

BILL No. 79 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1994.

Amendment of aricle 15.

2. In article 15 of the Constitution, after clause (4), the following proviso and *Explanation* thereto shall be added, namely:—

"Provided that where a special provision is made for reservation of seats in educational institutions under the State for socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes, the number of such reserved seats shall bear, as nearly as possible, the same proportion to the total number of seats in that educational institution as the respective population of citizens, for whom the seats are so reserved, bears to the total population of the State and, no such reservation, notwithstanding any judgement, decree or order of any court, tribunal or any other

authority, or anything contained to the contrary in any other law for the time being in force, shall be void on the ground that it is in excess of fifty per cent. of the total number of seats in that educational institution.

Explanation.—In this article, expression "socially and educationally backward classes of citizens" and the expression "Scheduled Castes and the Scheduled Tribes" shall include all persons belonging to socially and educationally backward classes, including most backward classes and denotified communities, and Scheduled Castes or Scheduled Tribes, as the case may be, notwithstanding the—

(*i*) income of, or

(*ii*) post held by, or

(*iii*) profession or trade or industry engaged in or carried on by, or

(*iv*) extent of property held by,

the parents or either of the parents of the person concerned or the person concerned himself.".

Amendment of article 16.

3. In article 16, after clause (*4*), the following provisos and Explanation thereto shall be added, namely:—

"Provided that where any provision is made for reservation of appointments or posts in services under the State in favour of any backward class, the number of such reserved appointments or posts shall bear, as nearly as possible, the same proportion to the total number of appointments or posts as the population of such backward class of citizens, for whom the appointments or posts are so reserved bears to the total population of the State and, no such reservation, notwithsanding any judgement, decree or order of any Court, tribunal or any other authority, or anything contained to the countrary in any other law for the time being in force , shall be void on the ground that it is in excess of fifty per cent. of the total number of appointments or posts;

Provided further that if no suitable candidates belonging to a backward class, for whom the appointments or posts, are so reserved, are available to fill such appointments or posts, such appointments or posts shall be carried forward to subsequent years and shall be filled up only by candidates belonging to that backward class.

Explanation I.—For the purpose of this clause the expression "backward class of citizens" includes all persons belonging to the most backward classes, denotified communities, the Scheduled Castes and the Scheduled Tribes and any provision of reservation of appointments or posts under this clause shall be available to all persons belonging to such backward classes notwithstanding the—

(*i*) in come of, or

(*ii*) post held by, or

(*iii*) profession or trade or industry engaged in or carried on by, or

(*iv*) extent of property held by,

the parents or either of the parents of the persons concerned or the person concerned himself.

Explanation II.—The expression "reservation of appointments or posts" means reservation appointments or posts by direct recruitment, promotion or transfer.".

STATEMENT OF OBJECTS AND REASONS

The reservation policy which helps the advancement of Backward classes is a matter of social concern and should be within the domain of the executive and the interpretation of the Constitution of India should favour rather than hamper the social policy of reservation as may be laid down by the State Governments from time to time. Article 15(4) of the Constitution provides for the advancement of any socially and educationally backward classes of citizens. Article 16(4) of the Constitution provides for adequate representation of them in the services under the State. The framers of the Constitution did not fix any limit on reservation for the advancement of backward classes. Although many courts have delivered differing verdicts on this issue, the Supreme Court in its judgement on the Mandal Commission cases has laid down that reservation in all cases should not exceed fifty per cent. It was a similar situation, way back in 1951, that led to the Parliament enacting the Constitution (First Amendment) Act which arose as a result of the courts setting aside the then reservation policy of the Government of the State of Madras. Social changes taking place in the natural course of events are inevitable. Population of the backward classes and the level of their social and educational development vary from State to State. It is, therefore, not possible to adopt a uniform reservation policy applicable to the nation as a whole. In the interest of the large majority of the people of India, it is not only proper but necessary to effect changes in the Constitution so as to give effect to the changes in the policies of the Central and State Governments

The Bill seeks to achieve the above objective.

NEW DELHI;
July 23, 1994.

P. G. NARAYANAN.

BILL No. 75 OF 1994

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

1. This Ast may be called the Constitution (Amendment) Act, 1994. Short title.

2. After article 16 of the Constitution, the following article shall be inserted, namely:— Insertion of new article 16A.

"16A. (*1*) There shall be reserved appointments or posts in services under the State for the Scheduled Castes and Scheduled Tribes. Reservation of appointments and posts for Scheduled Castes and Scheduled Tribes.

(*2*) Notwithstanding any judgement, decree or order of any court, tribunal or any other authority, the number of appointments or posts reserved under clause (*1*) for the Scheduled Castes or the Scheduled Tribes, as the case may be, shall be in such proprotion as their respective population bears to the total population of the country and, such reserved appointments or posts, shall not be varied to the disadvantage of the Scheduled Castes and the Scheduled Tribes:

Provided that the number of appointments or posts reserved for the Scheduled Castes and the Scheduled Tribes shall be re-adjusted in accordance with the proportion of their respective population to the total population of the country, as ascertained at the last preceding census of which the relevant figures have been published:

Provided further that if no suitable candidates belonging to the Scheduled Castes or the Scheduled Tribes are available to fill the appointments or posts reserved for them, such appointments or posts shall be carried forward to subsequent years and shall be filled up only by candidates belonging to the Scheduled Castes or the Scheduled Tribes, as the case may be.

Explanation I.—In this article in clause (1), the expression "reservation in appointments or posts in services" means reservation in initial recruitment and includes reservation in promotions at all levels in all services, including scientific, technical and specialised services, under the State.

Explanation II.—For the removal of doubts it is hereby declared that any person or his children, who belong to a Scheduled Caste or a Scheduled Tribes, irrespective of his position in a service under the State or his economic condition, shall be eligible for availing of the benefit of reservation under this article.

Insertion of new article 29A.

3. After article 29 of the Constitution the following article shall be inserted, namely:—

Reservation of seats in educational institutions for Scheduled Castes and Scheduled Tribes.

"29A. (1) Notwithstanding anything contained in this Constitution, seats shall be reserved for the Scheduled Castes and the Scheduled Tribes in all educational institutions under the State.

(2) The number of seats reserved in any educational institution in a Union territorry or in a State for the Scheduled Castes or the Scheduled Tribes, as the case may be, shall bear the same proportion to the total number of seats in that educational institution as the respective population of the Scheduled Castes or the Scheduled Tribes bears to the total population of that Union territory or of that State, as the case may be.

Omission of article 335.

4. Article 335 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Our country is a welfare State and many steps have been taken to ameliorate the sufferings of the down-trodden section of the society. Our Constitution, with a view to achieving this end, has made special provisions for the welfare of the Scheduled Castes and the Scheduled Tribes. In order to improve the living conditions of the Scheduled Castes and the Scheduled Tribes, various welfare schemes have been launched. Of them, a provision for reserving posts in services and in educational institutions under the Government has been made. As persons belonging to the Scheduled Castes and the Scheduled Tribes were not adequately represented in services under the State, it was decided that they should be represented in Government services according to the proportion of their population. Accordingly fifteen per cent. and seven and a half per cent. of total number of posts were respectively reserved for the Scheduled Castes and the Scheduled Tribes. But this is not being fully implemented. Moreover, the population of the Scheduled Castes and the Scheduled Tribes has increased manifolds but the percentage of posts reserved for them remains the same. Therefore, it is proposed that reservation should be made available to them in accordance with their population

The Constitution distinctly differentiates between Scheduled Castes/ Scheduled Tribes and backward class of citizens *i.e.* socially and educationally backward class of citizens. Backward class of citizens are a combination of several castes or classes whereas Scheduled Castes/Scheduled Tribes are a separate entity.

Moreover, Scheduled Castes do not come under Hindu *Varna* system. They were called '*Panchamas*' and were treated unfavourably.

Recently, the Government of India, by an order reserved twenty-seven per cent. of posts in services for socially and educationally backward classes. This move was resisted in the courts. While upholding the reservation policy of the Government the Supreme Court ordered that (i) reservation should not be made in certain categories of posts like technical, medicine and engineering; (ii) reservation should not be applied to promotions; (iii) there should be no carrying forward of unfilled vacancies: and (iv) the total percentage of reservations should not exceed fifty per cent.

The interests of the Scheduled Castes and the Scheduled Tribes have been safeguarded by the Constitution. The Supreme Court judgement adversely affects the interests of the Scheduled Castes and the Scheduled Tribes and stands in the way of the Government fulfilling its constitutional obligations The facilities so far enjoyed by the Scheduled Castes and the Scheduled Tribes have been suddenly withdrawn by this judgement.

The Bill, therefore, seeks to exclude Scheduled Castes/Scheduled Tribes from the judgement of the Court.

Moreover, reservation should be given to all persons belonging to Scheduled Castes or Scheduled Tribes irrespective of their position, income or property. It should not be restricted to initial recruitment but should also be available in promotions.

The Bill, on the whole seeks to protect the interests of the Scheduled Castes and the Scheduled Tribes as envisaged in the Constitution.

NEW DELHI;
July 26, 1994

P. VALLAL PERUMAN.

BILL No. 81 OF 1994

A Bill to provide for declaration and public scrutiny of assets of Ministers.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Declaration of Assets by Ministers Act, 1994.

(*2*) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*i*) "asset" includes all properties, both movable and immovable, held by a Minister or his dependent legally or in *benami* within the country and/or abroad;

(*ii*) "dependent" include spouse, parents, sons and unmarried daughters;

(*iii*) "Minister" includes Cabinet Minister, Minister of State and Deputy Minister of the Union Government;

(*iv*) "prescribed" means prescribed by rules made under this Act.

Declaration of assets.

3. Every Minister shall submit to the Speaker of the House of the people a return of all the assets possessed by him and his dependents within one month of being sworn in as a Minister in the form to be prescribed.

Annual returns.

4. It shall be incumbent on the part of every Minister to submit annual returns of the assets, including mortgaged property or gift items of the value of rupees five thousand or more, held by him and his dependents within one month from the beginning of every financial year.

Availability of the returns to the public.

5. A copy of return filed by a Minister shall be made available to any member of public on payment of a fee to be prescribed.

Power to make rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The political corruption is on the increase. The people are losing their faith in the politicians. The reports about corrupt practices by the Ministers are quite common these days resulting in loss of public faith in democracy. Therefore, in order to cleanse the public life it should be ensured that the Ministers are above board.

Hence this Bill.

NEW DELHI;
July 26, 1994.

MOHAN SINGH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rule to carry out the purposes of the Bill. Since the rules with relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 86 OF 1994

A Bill to provide for the constitution of a Youth Commission for protecting the interests of youth and for their alround development.

BE it enacted by Parliament in the Forty-fifth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Youth Commission Act, 1994.

(*2*) It extends to whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification, in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) 'appropriate Government' means the Central Government or the State Government, as the case may be;

(*b*) 'prescribed' means prescribed by the rules made under the Act; and

(c) 'youth' means any person who has not attained the age of thirty-five years.

Constitution of Youth Commission by the Central Government.

3. (1) The Central Government shall, within a period of three months from the date of commencement of this Act, constitute a Youth Commission (hereinafter referred to as the Central Commission) consisting of a Chairman and such number of other members as may be prescribed.

(2) The Chairman of the Central Commission shall be a social worker well versed with the affairs of youth.

(3) The term of the Central Commission and the conditions of service of the Chairman and other members shall be such as may be prescribed.

(4) The Central Commission shall appoint officers and staff to assist the Commission in the discharge of its functions.

Functions of Central Commission.

4. The Central Commission shall—

(i) **frame national policy for the welfare of youth;**

(ii) review, from time to time, the laws and policy applicable to youth and recommend to appropriate Government the measures to be taken to improve the lot of youth;

(iii) **recommend to appropriate Government the facilities to be given to youth; and**

(*iv*) give directions to State Commission from time to time regarding their functioning.

Constitution of State Youth Commission by State Government.

5. (1) Every State Government shall, with the previous approval of the Central Government, constitute a State Youth Commission (hereinafter referred to as the State Commission) consisting of a Chairman and such number of other members as may be prescribed.

(2) The term of the State Commission and the conditions of service of the Chairman and other members shall be such as may be prescribed.

(3) The State Commission may appoint officers and staff to assist the Commission in the discharge of its functions.

Functions of State Commission.

6. The State Commission shall—

(i) **provide training to youth residing within its jurisdiction in the fields of sports, arts and crafts and such other fields as may be prescribed;**

(ii) **set up youth forum in every district for guidance and assistance of youth;**

(*iii*) suggest to the State Government the pattern of education to be followed in educational institutions;

(*iv*) involve youth in social work and nation building activities; and

(*v*) assist youth in their career development and in seeking employment.

Recommendations of Youth commission to be obligatody.

7. The Central Commission for the State Commission, as the case may be, shall forward to the appropriate Government its recommendations and it shall be obligatory on the part of the appropriate Government to implement such recommendations either in whole or with such modifications as may be deemed necessary.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Youth form a sizeable percentage of our population. The Government is committed to fulfil the aspirations of the youth. In the past, several Schemes have been initiated for the welfare of youth but they have not been successful. There is no uniform national policy to protect the interests of youth. At present, all the schemes are overlapping and lack a statutory backing.

The youth do not get any guidance for pursuing their education and improving their career opportunities. Often, due to lack of opportunities, the talent of youth is wasted. The training and guidance they get in their educational institutions are not adequate. So far, there is no forum to advise and assist the youth in the pursuit of their knowledge and training. There is no appropriate agency to redress the grievances of youth of the country. A permanent agency for welfare of youth is much needed.

With this end in view, it is proposed to constitute a permanent Commission at the Central as well as the State, level to protect the interests of youth.

NEW DELHI;
July, 26, 1994

CHITTA BASU

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of a Youth Commission by the Central Government. It further provides for appointment of officers and staff to assist the Commission. Clause 4 provides for framing of national youth policy and for provisions of facilities to youth by the Central Commission. Clause 5 provides for constitution of a State Youth Commission by the State Government. Clause 6 provides for training to youth and setting up of youth forum in every district to guide and assist the youth. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. Expenditure relating to the Central Commission will be met out of the Consolidated Fund of India. As far as expenditure relating to State Commissions are concerned, it will be met out of the respective funds of the State Governments although financial assistance may be extended by the Central Government.

It is estimated that an annual recurring expenditure of about rupees one hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matter of detail only, the delegation of legislative power is of a normal character.

R. C. BHARDWAJ,
Secretary-General.

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